

SENATE AMENDMENTS

2nd Printing

By: Button, Capriglione, Harper-Brown,
Coleman, Elkins, et al.

H.B. No. 2414

A BILL TO BE ENTITLED

AN ACT

relating to requirements for open meetings held by videoconference
call.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 551.001, Government Code, is amended by
adding Subdivision (7) to read as follows:

(7) "Videoconference call" means a communication
conducted between two or more persons in which one or more of the
participants communicate with the other participants through
duplex audio and video signals transmitted over a telephone
network, a data network, or the Internet.

SECTION 2. Section 551.127, Government Code, is amended by
adding Subsections (a-1) and (a-2) and amending Subsections (c),
(e), (h), and (j) to read as follows:

(a-1) A member or employee of a governmental body may
participate remotely in a meeting of the governmental body by means
of a videoconference call if the video and audio feed of the
member's or employee's participation, as applicable, is broadcast
live at the meeting and complies with the provisions of this
section.

(a-2) A member of a governmental body who participates in a
meeting as provided by Subsection (a-1) shall be counted as present
at the meeting for all purposes.

(c) A meeting of a ~~[state]~~ governmental body ~~[or a~~

~~governmental body that extends into three or more counties]~~ may be held by videoconference call only if:

(1) the governmental body makes available to the public at least one suitable physical space located in or within a reasonable distance of the geographic jurisdiction, if any, of the governmental body that is equipped with videoconference equipment that provides an audio and video display, as well as a camera and microphone by which a member of the public can provide testimony or otherwise actively participate in the meeting;

(2) at least one agent of the governmental body is present at that physical space to conduct the meeting and facilitate public participation during the meeting; and

(3) any member of the public present at that physical space is provided the opportunity to participate in the meeting by means of a videoconference call in the same manner as a person who is physically present at a meeting of the governmental body that is not conducted by videoconference call ~~[a majority of the quorum of the governmental body is physically present at one location of the meeting]~~.

(e) The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location of the physical space described by Subsection (c)(1) ~~[where a quorum of the governmental body will be physically present and specify the intent to have a quorum present at that location, except that the notice of a meeting to be held by videoconference call under Subsection (c) must specify as a location of the meeting each location where a majority of the quorum of the governmental body~~

~~will be physically present and specify the intent to have a majority of the quorum of the governmental body present at that location. In addition, the notice of the meeting must specify as a location of the meeting each other location where a member of the governmental body who will participate in the meeting will be physically present during the meeting. Each of the locations shall be open to the public during the open portions of the meeting].~~

(h) The physical ~~[Each]~~ location specified under Subsection (e) shall have two-way audio and video communication with each member who is participating by videoconference call ~~[other location]~~ during the entire meeting. Each participant in the videoconference call, while speaking, shall be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location described by Subsection (e) and at any other ~~[a]~~ location of the meeting that is open to the public.

(j) The ~~[quality of the]~~ audio and video signals perceptible by members of the public at each location of the meeting described by Subsection (h) must~~[-~~

~~[(1) meet or exceed the quality of the audio and video signals perceptible by the members of the governmental body participating in the meeting, and~~

~~[(2)]~~ be of sufficient quality so that members of the public at each location ~~[of the meeting]~~ can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

SECTION 3. The changes in law made by this Act apply only to

H.B. No. 2414

1 an open meeting held on or after the effective date of this Act. An
2 open meeting that is held before the effective date of this Act is
3 governed by the law in effect on the date of the open meeting, and
4 the former law is continued in effect for that purpose.

5 SECTION 4. This Act takes effect September 1, 2013.

ADOPTED

MAY 20 2013

Atty. Gen.
Secretary of the Senate

By: *Dewell*

H.B. No. 2414

Substitute the following for H.B. No. 2414:

By: *Nelson*

C.S. H.B. No. 2414

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AN ACT

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 551.001, Government Code, is amended by adding Subdivision (7) to read as follows:

(7) "Videoconference call" means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through duplex audio and video signals transmitted over a telephone network, a data network, or the Internet.

SECTION 2. Section 551.127, Government Code, is amended by adding Subsections (a-1) and (a-2) and amending Subsections (c), (e), (h), and (j) to read as follows:

(a-1) A member or employee of a governmental body may participate remotely in a meeting of the governmental body by means of a videoconference call if the video and audio feed of the member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions of this section.

(a-2) A member of a governmental body who participates in a meeting as provided by Subsection (a-1) shall be counted as present at the meeting for all purposes.

(c) A meeting of a ~~[state]~~ governmental body ~~[or a~~

1 ~~governmental body that extends into three or more counties]~~ may be
2 held by videoconference call only if:

3 (1) the governmental body makes available to the
4 public at least one suitable physical space located in or within a
5 reasonable distance of the geographic jurisdiction, if any, of the
6 governmental body that is equipped with videoconference equipment
7 that provides an audio and video display, as well as a camera and
8 microphone by which a member of the public can provide testimony or
9 otherwise actively participate in the meeting;

10 (2) the member of the governmental body presiding over
11 the meeting is present at that physical space; and

12 (3) any member of the public present at that physical
13 space is provided the opportunity to participate in the meeting by
14 means of a videoconference call in the same manner as a person who
15 is physically present at a meeting of the governmental body that is
16 not conducted by videoconference call ~~[a majority of the quorum of~~
17 ~~the governmental body is physically present at one location of the~~
18 ~~meeting].~~

19 (e) The notice of a meeting to be held by videoconference
20 call must specify as a location of the meeting the location of the
21 physical space described by Subsection (c)(1) ~~[where a quorum of~~
22 ~~the governmental body will be physically present and specify the~~
23 ~~intent to have a quorum present at that location, except that the~~
24 ~~notice of a meeting to be held by videoconference call under~~
25 ~~Subsection (c) must specify as a location of the meeting each~~
26 ~~location where a majority of the quorum of the governmental body~~
27 ~~will be physically present and specify the intent to have a majority~~

1 ~~of the quorum of the governmental body present at that location. In~~
2 ~~addition, the notice of the meeting must specify as a location of~~
3 ~~the meeting each other location where a member of the governmental~~
4 ~~body who will participate in the meeting will be physically present~~
5 ~~during the meeting. Each of the locations shall be open to the~~
6 ~~public during the open portions of the meeting].~~

7 (h) The physical ~~[Each]~~ location specified under Subsection
8 (e) shall have two-way audio and video communication with each
9 member who is participating by videoconference call ~~[other~~
10 ~~location]~~ during the entire meeting. Each participant in the
11 videoconference call, while speaking, shall be clearly visible and
12 audible to each other participant and, during the open portion of
13 the meeting, to the members of the public in attendance at the
14 physical location described by Subsection (e) and at any other ~~[a]~~
15 location of the meeting that is open to the public.

16 (j) The ~~[quality of the]~~ audio and video signals perceptible
17 by members of the public at each location of the meeting described
18 by Subsection (h) must ~~[+~~

19 ~~[(1) meet or exceed the quality of the audio and video~~
20 ~~signals perceptible by the members of the governmental body~~
21 ~~participating in the meeting, and~~

22 ~~[(2)]~~ be of sufficient quality so that members of the
23 public at each location ~~[of the meeting]~~ can observe the demeanor
24 and hear the voice of each participant in the open portion of the
25 meeting.

26 SECTION 3. The changes in law made by this Act apply only to
27 an open meeting held on or after the effective date of this Act. An

1 open meeting that is held before the effective date of this Act is
2 governed by the law in effect on the date of the open meeting, and
3 the former law is continued in effect for that purpose.

4 SECTION 4. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2013.

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 20 2013

Philip D. Norton

Letay Shaw
Secretary of the Senate

1 Amend C.S.H.B. No. 2414 (Senate Committee Printing) by
2 adding the following appropriately numbered SECTION to the bill
3 and renumbering subsequent SECTIONs appropriately:

4 SECTION ____ Subchapter A, Chapter 551, Government Code, is
5 amended by adding Section 551.006 to read as follows:

6 Sec. 551.006. WRITTEN ELECTRONIC COMMUNICATIONS ACCESSIBLE
7 TO PUBLIC. (a) A communication or exchange of information
8 between members of a governmental body about public business or
9 public policy over which the governmental body has supervision
10 or control does not constitute a meeting or deliberation for
11 purposes of this chapter if:

12 (1) the communication is in writing;

13 (2) the writing is posted to an online message board
14 or similar Internet application that is viewable and searchable
15 by the public; and

16 (3) the communication is displayed in real time and
17 displayed on the online message board or similar Internet
18 application for no less than 30 days after the communication is
19 first posted.

20 (b) A governmental body may have no more than one online
21 message board or similar Internet application to be used for the
22 purposes described in Subsection (a). The online message board
23 or similar Internet application must be owned or controlled by
24 the governmental body, prominently displayed on the governmental
25 body's primary Internet web page, and no more than one click
26 away from the governmental body's primary Internet web page.

27 (c) The online message board or similar Internet
28 application described in Subsection (a) may only be used by
29 members of the governmental body or staff members of the

1 governmental body who have received specific authorization from
2 a member of the governmental body. In the event that a staff
3 member posts a communication to the online message board or
4 similar Internet application, the name and title of the staff
5 member must be posted along with the communication.

6 (d) If a governmental body removes from the online message
7 board or similar Internet application a communication that has
8 been posted for at least 30 days, the governmental body shall
9 maintain the posting for a period of six years. This
10 communication is public information and must be disclosed in
11 accordance with Chapter 552.

12 (e) The governmental body may not vote or take any action
13 that is required to be taken at a meeting under this chapter of
14 the governmental body by posting a communication to the online
15 message board or similar Internet application. In no event
16 shall a communication or posting to the online message board or
17 similar Internet application be construed to be an action of the
18 governmental body.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 21, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2414 by Button (Relating to requirements for open meetings held by videoconference call.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 551 of the Government Code regarding open meetings to authorize a member of a governmental body to participate remotely in a meeting by videoconference call and to authorize a governmental body to hold a meeting by videoconference call. The bill would require that a meeting of a governmental body held by videoconference call: provide at least one suitable physical space located in or within a reasonable distance of the geographic jurisdiction, if any, for members of the public to participate in the meeting that is equipped with videoconference equipment, including an audio and video display, camera and microphone; and have present at the physical location the member of the governmental body who is presiding over the meeting. The notice of the meeting to be held by videoconference must specify the physical location made available for public participation and the internet web address in which the meeting would be broadcast.

The bill would provide instances in which certain communications or exchanges of information between members of a governmental body do not constitute a meeting or deliberation. The bill would require certain actions to be taken by a governmental body that maintains an online message board or similar Internet application that is used for certain communications or exchanges of information.

Based on the analyses of several agencies, it is anticipated that costs to implement the provisions of the bill could be absorbed within existing resources.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house; otherwise, the bill would take effect September 1, 2013.

Local Government Impact

Fiscal impact to local governments associated with the bill, if any, would be optional, and it assumed videoconferencing would only be implemented if sufficient funds were available.

Source Agencies: 302 Office of the Attorney General, 303 Facilities Commission, 306 Library & Archives Commission, 313 Department of Information

Resources, 529 Health and Human Services Commission, 582
Commission on Environmental Quality, 601 Department of Transportation,
696 Department of Criminal Justice, 701 Central Education Agency, 720
The University of Texas System Administration, 809 Preservation Board

LBB Staff: UP, KKR, EP, CK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION
Revision 2

May 16, 2013

TO: Honorable Rodney Ellis, Chair, Senate Committee on Open Government

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2414 by Button (relating to requirements for open meetings held by videoconference call.), **Committee Report 2nd House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend Chapter 551 of the Government Code regarding open meetings to authorize a member of a governmental body to participate remotely in a meeting by videoconference call and to authorize a governmental body to hold a meeting by videoconference call. The bill would require that a meeting of a governmental body held by videoconference call: provide at least one suitable physical space located in or within a reasonable distance of the geographic jurisdiction, if any, for members of the public to participate in the meeting that is equipped with videoconference equipment, including an audio and video display, camera and microphone; and have present at the physical location the member of the governmental body who is presiding over the meeting. The notice of the meeting to be held by videoconference must specify the physical location made available for public participation. The bill would take effect immediately upon receiving a two-thirds majority vote in each house. Otherwise, the bill would take effect September 1, 2013.

Based on the analyses of several agencies, it is anticipated that costs to implement the provisions of the bill could be absorbed within existing resources. The Facilities Commission estimates there would be a cost associated with implementing the provisions of the bill. It is anticipated that the additional costs could be absorbed within the agency's existing resources.

Local Government Impact

Fiscal impact to local governments associated with the bill, if any, would be optional, and it assumed videoconferencing would only be implemented if sufficient funds were available.

Source Agencies: 302 Office of the Attorney General, 303 Facilities Commission, 313 Department of Information Resources, 529 Health and Human Services Commission, 582 Commission on Environmental Quality, 601 Department of Transportation, 696 Department of Criminal Justice, 701 Central Education Agency, 720 The University of Texas System Administration,

809 Preservation Board

LBB Staff: UP, EP, LCO, KJo, SD, AG, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 9, 2013

TO: Honorable Rodney Ellis, Chair, Senate Committee on Open Government

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2414 by Button (Relating to requirements for open meetings held by videoconference call.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 551 of the Government Code regarding open meetings to authorize a member of a governmental body to participate remotely in a meeting by videoconference call and to authorize a governmental body to hold a meeting by videoconference call. The bill would require that a meeting of a governmental body held by videoconference call: provide at least one suitable physical space located in or within a reasonable distance of the geographic jurisdiction, if any, for members of the public to participate in the meeting that is equipped with videoconference equipment, including an audio and video display, camera and microphone; and have present at the physical location at least one agent of the governmental body to conduct the videoconference broadcast and to facilitate public participation. The notice of the meeting to be held by videoconference must specify the physical location made available for public participation and the internet web address in which the meeting would be broadcast.

Based on the analyses of several agencies, it is anticipated that costs to implement the provisions of the bill could be absorbed within existing resources. The Facilities Commission estimates there would be a cost associated with implementing the provisions of the bill. It is anticipated that the additional costs could be absorbed within the agency's existing resources.

Local Government Impact

Fiscal impact to local governments associated with the bill, if any, would be optional, and it assumed videoconferencing would only be implemented if sufficient funds were available.

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LBB Staff: UP, KJo, SD, EP, LCO, AG, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 16, 2013

TO: Honorable Linda Harper-Brown, Chair, House Committee on Government Efficiency & Reform

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2414 by Button (Relating to requirements for open meetings held by videoconference call.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 551 of the Government Code regarding open meetings to authorize a member of a governmental body to participate remotely in a meeting by videoconference call and to authorize a governmental body to hold a meeting by videoconference call. The bill would require that a meeting of a governmental body held by videoconference call: provide at least one suitable physical space located in or within a reasonable distance of the geographic jurisdiction, if any, for members of the public to participate in the meeting that is equipped with videoconference equipment, including an audio and video display, camera and microphone; and have present at the physical location at least one agent of the governmental body to conduct the videoconference broadcast and to facilitate public participation. The notice of the meeting to be held by videoconference must specify the physical location made available for public participation and the internet web address in which the meeting would be broadcast.

Based on the analyses of several agencies, it is anticipated that costs to implement the provisions of the bill could be absorbed within existing resources. The Facilities Commission estimates there would be a cost associated with implementing the provisions of the bill. It is anticipated that the additional costs could be absorbed within the agency's existing resources.

Local Government Impact

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LBB Staff: UP, KJo, SD, EP, LCO, AG, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 31, 2013

TO: Honorable Linda Harper-Brown, Chair, House Committee on Government Efficiency & Reform

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2414 by Button (Relating to requirements for open meetings held by videoconference call.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 551 of the Government Code regarding open meetings to authorize a member of a governmental body to participate remotely in a meeting by videoconference call and to authorize a governmental body to hold a meeting by videoconference call. The bill would require that a meeting of a governmental body held by videoconference call: be broadcast in real time on a generally-accessible internet website for viewing and listening by the public; provide a physical space for members of the public to participate in the meeting that is equipped with videoconference equipment, including an audio and video display, camera and microphone; and have present at the physical location at least one agent of the governmental body to conduct the videoconference broadcast and to facilitate public participation. The notice of the meeting to be held by videoconference must specify the physical location made available for public participation and the internet web address in which the meeting would be broadcast.

Based on the analyses of several agencies, it is anticipated that costs to implement the provisions of the bill could be absorbed within existing resources. The Facilities Commission estimates there would be a cost associated with implementing the provisions of the bill. It is anticipated that the additional costs could be absorbed within the agency's existing resources.

Local Government Impact

Fiscal impact to local governments associated with the bill, if any, would be optional, and it assumed videoconferencing would only be implemented if sufficient funds were available.

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LBB Staff: UP, KJo, EP, LCO, AG, KKR

